

REGULATORY BILL OF RIGHTS

This past legislative session (Fiftieth Legislature, First Regular Session), the Arizona Legislature passed Senate Bill 1598. This “Regulatory Bill of Rights” for counties went into effect on July 20, 2011 (with full implementation on December 31, 2012). The rights afforded private regulated parties under the new law are provided below.

A.R.S. § 11-1602: REGULATORY BILL OF RIGHTS

TO ENSURE FAIR AND OPEN REGULATION BY COUNTIES, A PERSON:

- IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A COUNTY IN A COURT PROCEEDING REGARDING A COUNTY DECISION AS PROVIDED IN A.R.S. § 12-348.
- IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS AS PROVIDED IN A.R.S. § 11-1603 (EFFECTIVE JUNE 30, 2012).
- IS ENTITLED TO HAVE A COUNTY NOT BASE A LICENSING DECISION IN WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT SPECIFICALLY AUTHORIZED AS PROVIDED IN A.R.S. § 11-1604.
- MAY HAVE A COUNTY APPROVE OR DENY THE PERSON’S LICENSE APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN A.R.S. § 11-1605 (EFFECTIVE DECEMBER 31, 2012).
- IS ENTITLED TO RECEIVE WRITTEN OR ELECTRONIC NOTICE FROM A COUNTY ON DENIAL OF A LICENSE APPLICATION (EFFECTIVE DECEMBER 31, 2012).
 - THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE STATUTE, ORDINANCE, REGULATION, DELEGATION AGREEMENT OR AUTHORIZED SUBSTANTIVE POLICY STATEMENT ON WHICH THE DENIAL IS BASED AS PROVIDED IN A.R.S. § 11-1605.
 - THAT EXPLAINS THE APPLICANT’S RIGHT TO APPEAL THE DENIAL AS PROVIDED IN A.R.S. § 11-1605.
- IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A LICENSE AS PROVIDED IN A.R.S. § 11-1606.
- MAY INSPECT ALL ORDINANCES, REGULATIONS, AND SUBSTANTIVE POLICY STATEMENTS OF A COUNTY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICES OF THE COUNTY OR ON THE COUNTY’S WEBSITE AS PROVIDED IN A.R.S. § 11-1607.
- UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT COUNTIES TO AVOID DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN A.R.S. § 11-1604.
- MAY FILE A COMPLAINT WITH THE BOARD OF SUPERVISORS CONCERNING AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH A.R.S. § 11-1602.